

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.27476 of 2015

-
28.08.2015

Between:

T.Jagannadha Rao

.. Petitioner

and

The State of Andhra Pradesh,
represented by its Principal Secretary,
Panchayat Raj & Rural Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.Aravala Rama Rao

Counsel for respondent Nos.1 and 2: Government Pleader
for Panchayat Raj (AP)

Counsel for respondent Nos.3 to 5: Mr.M.S.R.Chandra Murthy

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to set aside proceedings, dated 25.08.2014, of respondent No.4 terminating the petitioner's services as Field Assistant of Brahmanatarla Village, Palasa Mandal, Srikakulam District.

As per the petitioner's own averments, against the impugned proceedings, he has filed an appeal before respondent No.3 and that the same is pending. As the petitioner has already availed the remedy of appeal, he cannot invoke the jurisdiction of this Court to question the same proceeding, which is the subject matter of the appeal.

Hence, the prayer in the writ petition is wholly misconceived. However, the learned counsel for the petitioner submitted that respondent No.3 may be directed to dispose of his client's appeal.

Having regard to the above request, while dismissing the Writ Petition, respondent No.3 is directed to dispose of the petitioner's appeal, if the same has not been done so far, within a period of two months from the date of receipt of a copy of this order.

As a sequel to dismissal of the Writ Petition, W.P.M.P.No.35675 of 2015 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

28th August, 2015

GHN

27476

This writ petition is filed for a mandamus to set aside proceedings, dated 28.05.2014 of respondent No.4 terminating the petitioner's services as field assistant of village..District.

As per the petitioners own averments, against the impugned order he has availed the remedy of appeal before respondent No.3 and that the same is pending. As the petitioner has already availed the remedy of appeal, he cannot invoke the jurisdiction of this Court to question the same which is the subject matter of the appeal.

Hence, the prayer in the writ petition is wholly misconceived. However, the learned counsel for the petitioner submitted that respondent No.3 may be directed to dispose of his client's appeal.

Having regard to the above request, while dismissing the Writ Petition, respondent No.3 is directed to dispose of the appeal if the same has not been done so far within two months from the date of receipt of a copy of this order.

This writ petition is filed for a mandamus to set aside proceedings, dated of respondent No.3, whereby he has removed the petitioner as Field Assistant.

A perusal of the impugned order shows that the only charge on which the petitioner has been removed is that the petitioner has illegally drawn a sum of Rs.18,085/- in the names of 14 labourers with byname names in connection with 13 identical works for 151 days besides collecting Rs.50/- from the labourers for opening a post banks account. The petitioner has pleaded that in respect of the same charge, the disciplinary proceedings were initiated earlier and after

considering the petitioner's explanation, the same were dropped vide final order in notice No.1447(125) dated 30.04.2012.

Mr.MSRChandra Murthy, learned counsel representing respondent No.3 has fairly conceded that the petitioner was earlier exonerated of the same charge for which he has been removed under the impugned proceedings.

In the light of the above admitted fact that the petitioner was earlier exonerated, he cannot be punished on the same charge.

Therefore, the impugned order cannot be sustained and the same is accordingly quashed.